IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1251 of 2005

to

FIRST APPEAL No 1262 of 2005

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SPL.LAQ OFFICER

Versus

RATHOD MAGANJI PUNJAJI

Appearance:

MR AD OZA, GOVERNMENT PLEADER for Appellant

..... for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE M.C.PATEL

Date of decision: 10/05/2005

COMMON ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE B.J.SHETHNA)

All these appeals are admitted. Mr. Nitin Amin waives service for the respondent - claimant in all these matters. On the joint request of the learned counsel for the parties, all these appeals are taken up for final disposal and disposed of by this common order as they arise out of the impugned common judgment and award dated 15th September, 2003 passed by the learned 2nd Extra Assistant Judge & Special Judge (L.A.R.), Ahmedabad (R) at Navrangpura in L.A.C. Nos.2079 to 2090 of 1996 whereby the Reference Court partly allowed all the references and awarded additional sum of Rs.13.00 per sq.mtr. for the acquired lands of the respondents claimants over and above the amount awarded by the Land Acquisition Officer at the rate of Rs.0.85 per sq.mtr. against the claim of the respondents - claimants at the rate of Rs.25/- per sq.mtr.

2. Almost identical appeals have been disposed of today by this very court. For the reasons recorded in it, all these appeals are required to be dismissed. The only difference is this that in the instant cases, lands of village Bhavda are acquired for which the notification under Section 4 was issued on 11th June, 1992. The Land Acquisition Officer awarded only Rs.0.85 per sq.mtr. to the claimants against their claim of Rs.25/- per sq.mtr. whereas the Reference Court awarded Rs.13/- per sq.mtr., relying on the Reference Court judgment in L.A.R. No.1979 of 1996 for the adjoining village Chanothiya for which the notification was issued under Section 4 on 26th April, 1993 and for another adjoining village Khudad in which the notification was issued under Section 4 on 11th June, 1992 in L.A.R. No.2055 of 1996 which had become final.

3. In that view of the matter, there is no question of interference in these appeals filed against the impugned common judgment and award dated 15th September, 2003 passed by the learned 2nd Extra Assistant Judge & Special Judge (L.A.R.), Ahmedabad (R) at Navrangpura in L.A.C. Nos.2079 to 2090 of 1996.

4. In view of the above discussion, all these appeals fail and are hereby dismissed. However, there shall be no order as to costs.

(B.J. Shethna, J.)

(M.C. Patel, J.)

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